

REMARKS/ARGUMENTS

In the Office Action mailed February 13, 2004, claims 1-9 and 11-17 were rejected.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

SPECIFICATION

Applicants respectfully point out that the objection to the specification is obviated since antecedent basis is shown in at least FIGS. 1 & 2 with respect to the bracket having a first end (at 39) that supports the rails (at 22, 28) which is a first embodiment and in at least FIGS. 5 & 6 with respect to the bracket having a first end (at 48, 54) that supports the frame (at 48, 50) and a second end connected to a slide (at 55, 64) which is a second embodiment of the present invention. Thus, there is substantial antecedent basis as shown accordingly. (See, specification paragraphs 27-30). Therefore, the Applicants respectfully request that the objection to the specification be withdrawn.

DRAWINGS

Examiner requested that the bracket having a first end (at 39) that supports the rails (at 22, 28) which is a first embodiment and the bracket having a first end (at 48, 54) that supports the frame (at 48, 50) and a second end connected to a slide (at 55, 64) which is a second embodiment of the present invention, as claimed, must be shown in the claims. As indicated by

the above reference numerals, the first embodiment is shown in FIGS. 1 & 2 and the second embodiment is shown in FIGS. 5 & 6 accordingly and no amendment to the drawings is needed.

The Applicants respectfully requests that the objection to the drawings be removed.

CLAIM REJECTIONS – 35 U.S.C. § 112

Examiner rejected claims 8, 13 and 17 under 35 U.S.C §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In light of the amendment to claims, Applicants hereby respectfully request that the rejection to these claims be removed.

Furthermore, Examiner rejected claims 7, 8 and 14-16 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Again, as noted above in the remarks regarding the drawings and specification, the bracket having a first end (at 39) that supports the rails (at 22, 28) which is a first embodiment and the bracket having a first end (at 48, 54) that supports the frame (at 48, 50) and a second end connected to a slide (at 55, 64) which is a second embodiment of the present invention are disclosed and taught accordingly in FIGS. 1 & 2 and FIGS. 5 & 6 as well as within the specification at paragraphs 27-30. Thus, Applicants hereby respectfully request that the rejection to these claims be removed.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-5, 7, 8 and 11-17 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent 4,138,175 to Tattershall (hereinafter referred to as “Tattershall”).

In light of the following remarks, Applicants respectfully submit that these claims are allowable as amended.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Tattershall embodies no such directions.

More particularly, Applicants respectfully submit that Tattershall does not disclose a blood bag support structure for refrigerators. The independent claims 4 and 13 have been amended to clarify that the invention relates to the support structures. The claims have been amended to explicitly state that which has been implicitly in the original claim language. As such, the claims have not been narrowed and no new issues or new matter have been raised or added.

Examiner states that Tattershall discloses a frame with peripheral rails and transverse rails, slotted strips being mounted to the cabinet and brackets with U-shaped channels which support the frame and connect to a slide that engages a guide. Tattershall discloses a freezer organizer structure and slide mechanism only.

Applicants claim an apparatus that includes a plurality of slotted strips vertically mounted to the cabinet; and a plurality of brackets, wherein each bracket engages the slotted strips and

supports the frame, wherein the brackets each have a first end, and wherein the first end has a generally upwardly facing U-shaped channel that receives and supports the frame and, wherein the frame has peripheral rails, and wherein channel and rails are sized so that the channels support the rails at more than one point along the peripheral rails. Applicants note that Tattershall does not disclose a frame having peripheral rails wherein channel and rails are sized so that the channels support the rails at more than one point along the peripheral rails. Tattershall shows horizontal guides with a channel sized to support the guides but not the rails as presently claimed. In fact, the rails absent the guides would fall out of the channels and Tattershall would not function. For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by M.P.E.P., Tattershall cannot be said to anticipate a blood bag support structure for refrigerators of the present invention as claimed.

In light of the foregoing arguments, withdrawal of the rejection of claims 1-5, 7, 8 and 11-17 under 35 U.S.C. § 102(b) as being clearly anticipated by Tattershall is respectfully requested.

In addition, the Examiner rejected claims 1, 6 and 9 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent 5,893,620 to Birgelis (hereinafter referred to as “Birgelis”). In light of the following remarks, Applicants respectfully submit that these claims are allowable as amended.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Birgelis embodies no such directions.

More particularly, Applicants respectfully submit that Birgelis does not disclose a blood bag support structure for refrigerators. The independent claims 4 and 13 have been amended to clarify that the invention relates to the support structures. The claims have been amended to explicitly state that which has been implicitly in the original claim language. As such, the claims have not been narrowed and no new issues or new matter have been raised or added.

Examiner states that Birgelis discloses a frame with peripheral rails, slotted strips being vertically mounted to the cabinet and brackets which support the frame and connect rigidly to a the frame. Birgelis discloses a shelf system for a refrigerator only.

Applicants claim an apparatus that includes a plurality of slotted strips vertically mounted to the cabinet; and a plurality of brackets, wherein each bracket engages the slotted strips and supports the frame, wherein the brackets each have a first end, and wherein the first end has a generally upwardly facing U-shaped channel that receives and supports the frame and, wherein the frame has peripheral rails, and wherein channel and rails are sized so that the channels support the rails at more than one point along the peripheral rails. Applicants note that Birgelis does not disclose a frame having peripheral rails wherein channel and rails are sized so that the channels support the rails at more than one point along the peripheral rails or a generally upwardly facing U-shaped channel that receives and supports the frame. For anticipation under

35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by M.P.E.P., Birgelis cannot be said to anticipate a blood bag support structure for refrigerators of the present invention as claimed.

In light of the foregoing arguments, withdrawal of the rejection of claims 1, 6 and 9 under 35 U.S.C. § 102(b) as being clearly anticipated by Birgelis is respectfully requested.

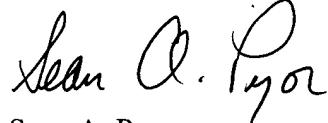
CONCLUSION

In view of the foregoing remarks, Applicants respectfully requests the withdrawal of the objections and rejections accordingly. If, for any reason, the Examiner disagrees, please call the undersigned at 202-861-1748 in an effort to resolve any matter still outstanding before issuing another action. The undersigned is confident that any issue which might remain can readily be worked out be telephone.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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